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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,552	01/08/2002	E. Michael Lunsford	25216-0882	7302
30554	7590	06/23/2004	EXAMINER	
SHEMWELL GREGORY & COURTNEY LLP 4880 STEVENS CREEK BOULEVARD SUITE 201 SAN JOSE, CA 95129			DUONG, HUNG V	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/043,552

Applicant(s)

LUNSFORD, E. MICHAEL

Examiner

Hung v Duong

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AW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-59, 61-65 and 67-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 60, 66 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 41-44, 47-54, 59, 61-65, 67-71, 74-75, 79-80 are rejected under 35 U.S.C. 102(e) as being anticipated by Loo (US 2003/0137803).

Regarding claims 41-44, 47-54, 59, 61-65, 67-71, 74-75, 79-80 Loo discloses a housing apparatus for a portable computing device, the housing apparatus comprising: a housing structure 31, 32 configured to encase at least a portion of the computing device 4, the housing structure 31, 32 being configured to attach to and detach from the portable computing device 4; at least one electronic component 33 retained by the housing structure 31, 32 wherein the at least one electronic component 33 is communicatively coupleable to the computing device 4 wherein the at least one electronic component 33 is configured to communicate with the computing device 4 when the housing structure 33 is operatively attached to the computing device 4 wherein the housing structure 31, 32 includes an elongated member 37 that is

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engageable with an accessory slot 36 of the computing device 4 in order to attach the housing apparatus to the computing device wherein the housing structure 31, 32 is configured to overlay a housing of the computing device 4. A communication port 336 that is configured to communicatively couple the at least one electronic component to one or more components of the computing device 4 when the housing structure is attached to the computing device. The communication port 336 is positioned within the housing structure 31, 32 so as to physically connect to a communication port 336 of the computing device 4 when the housing structure 31, 32 is attached to the computing device 4. The housing structure 31, 32 includes one or more openings for enabling a third device to access a communication port of the computing device (see para 24, line 10). An external communication port that can connect to a third device and enable the third device to communicate with the computing device when the housing structure is attached to the computing device. The housing structure 31, 31 is slideably engageable with a housing of the computing device 4 in order to attach the housing structure 31, 32 to the computing device 4.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 45-46, 56, 72-73, 77-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loo (US 2003/0137803) in view of Janik et al (US 2002/0065902).

Regarding claims 45-46, 56, 72-73, 77-78 Loo discloses all the subject matter of the claimed invention except for at least one electronic component is configured to transmit or receive wireless radio-frequency communications in Bluetooth medium and the communication port is an infrared port/ a radio frequency port. However Janik et al disclose at least one electronic component is configured to transmit or receive wireless radio-frequency communications in Bluetooth medium the communication port is an infrared port/ a radio frequency port (see Janik et al's para 49). Therefore, it would be obvious to one of ordinary skill to modify one electronic component is configured to transmit or receive wireless radio-frequency communications in Bluetooth medium, the communication port is an infrared port/ a radio frequency port of Janik et al into Loo et al's electronic component in order to be alternate communication link.

5. Claims 55, 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loo (US 2003/0137803) in view of McConnell (US Pat. 6,593,897).

Regarding claims 55, 76 Loo discloses all the subject matter of the claimed invention except for at least electronic component is configured to transmit and receive Global Positioning System signals. However McConnell discloses at least one electronic component is configured to transmit or receive Global Positioning System signals (see McConnell et al's abstract). Therefore, it would be obvious to one of ordinary skill to modify one electronic component is configured to transmit or receive Global

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Positioning System signals of McConnell into Loo et al 's electronic component in order to be communicated in Global Positioning System.

6. Claims 57, 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loo (US 2003/0137803) in view of Inagaki et al (US Pat. 6,504,529).

Regarding claims 55, 76 Loo discloses all the subject matter of the claimed invention except for the communication port of the housing apparatus includes a serial connector/ a Universal Serial Bus connector. However Inagaki et al disclose the communication port of the housing apparatus includes a serial connector/ a Universal Serial Bus connector (see Inagaki et al 's page 11). Therefore, it would be obvious to one of ordinary skill to modify of the communication port the housing apparatus includes a serial connector/ a Universal Serial Bus connector of Inagaki et al into Loo et al 's electronic component in order to be convenient in performing transmission/reception of infrared-ray signals.

Allowable Subject Matter

7. Claims 60, 66 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to show that a front housing segment and a back housing segment that at least partially encases the computing device including at least a portion of a front and a back surface respectively and a joint that connects the front segment and the back housing segment to one another or that the housing structure is configured to snugly fit over the computing device.

Response to Amendment

8. Applicant's arguments with respect to new claims 41-80 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung v Duong whose telephone number is 571 272 2041. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571 272 2044. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.

HVD

6/21/04

A handwritten signature in black ink, appearing to read 'Hung V. Duong', with a long horizontal flourish extending to the right.

Hung Duong
Primary Examiner.